

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD G. TURAY,

Plaintiff,

v.

KELLY CUNNINGHAM, CATHI
HARRIS, and CHAPLAIN GREG
DUNCAN ,

Defendants.

NO. C10-5493 BHS/KLS

ORDER DENYING PLAINTIFF'S
MOTION TO FILE "AMENDMENT
TO CLAIM"

Before the court is Plaintiff's motion to file an "Amendment to Claim." ECF No. 22.

For the reasons stated below, the court finds that the motion should be denied.

BACKGROUND

Mr. Turay filed his application to proceed in forma pauperis and proposed civil rights lawsuit on July 14, 2010. ECF No. 1. The court granted his application to proceed *in forma pauperis* and filed the complaint. ECF Nos. 4 and 5. Mr. Turay claims that Kelly Cunningham, the Superintendent of the Stafford Creek Corrections Center (SCCC), and Chaplain Greg Duncan denied Plaintiff's request to attend his father's funeral. ECF No. 5, p. 4. Mr. Turay requested "compensation for grief, pain, mental anguish, psychological abuse, and personal insult." ECF No. 5, p. 3.

1 On October 5, 2010, Defendants filed a motion to dismiss Plaintiff's complaint. ECF
2 No. 14. The court converted the motion to dismiss to a motion for summary judgment and
3 noted the motion for January 7, 2011. ECF No. 21.

4 On November 15, 2010, Plaintiff filed the "Amendment to Claim," in which he
5 submits "the arbitrary figure of one million dollars (\$1,000,000.00)" to be entered as his claim
6 for damages in order to "satisfy the letter of Court Rules." ECF No. 22-1, p. 1. Plaintiff has
7 not provided the court with a proposed amended complaint.
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9 DISCUSSION

10 The Federal Rules of Civil Procedure do not require a statement of the amount of
11 damages being requested. Rather, the rules require that a "demand for the relief sought," be
12 included in a complaint. Fed. R. Civ. P. 8(a)(3). Therefore, there is no need to amend to
13 insert an "arbitrary" amount of damages.
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15 In addition, Mr. Turay did not submit a proposed amended complaint. Instead, he
16 submitted an "Amendment to Claim," stating his claim for money damages only. Mr. Turay
17 is advised that an amended complaint supersedes the original in its entirety, making the
18 original as if it never existed. The allegations contained in his motion are not sufficient to
19 properly plead an amended complaint to include all of his factual and legal allegations,
20 including those stated in his original complaint. If Mr. Turay wishes to amend his complaint,
21 he must set forth all of the parties, claims and damages in a proposed amended complaint and
22 submit it for the court's review. The amended complaint must be complete in itself without
23 reference to the original complaint.
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1 Finally, the court notes that there is a pending summary judgment motion. The
2 proposed amendment, to include an “arbitrary figure,” does not change the substance of the
3 claims asserted and the proposed amendment should, therefore, be denied.

4 Accordingly, Plaintiff’s motion to file “Amendment to Claim” (ECF No. 22) is
5 **DENIED**. The Clerk shall send copies of this Order to Plaintiff and to counsel for
6 Defendants.
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8 **DATED** this 27th day of December, 2010.

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11 Karen L. Strombom
12 United States Magistrate Judge
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